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SUBJECT: SENATOR KERRY MEETS WITH NGOS

REF: A) KHARTOUM 529

SUMMARY

11. (SBU) During an April 16 meeting with Senator John Kerry, representatives from six major non-governmental organizations (NGOs) conveyed concern regarding continuing gaps in assistance following the NGO expulsions, shrinking humanitarian space, and bureaucratic impediments to program implementation. NGO representatives expressed guarded optimism about the progress made during Special Envoy Gration's discussions with the Sudanese government but noted the need for accountability and tracking against the agreements, given the Sudanese government's track record on implementation. According to the organizations, opening new programs in Darfur and the Three Areas would likely require a significant amount of lead time and would not by itself address the underlying mistrust between the Sudanese government and NGOs. NGOs suggested that the Sudanese government must prove a commitment to improving the operating environment in Sudan prior to addressing gaps in humanitarian assistance through the addition of new organizations funded by donors.

HUMANITARIAN FRAMEWORK NEEDED

12. (SBU) On April 16, U.S. Senator John F. Kerry, CDA Fernandez, USAID Mission Director Bill Hammink, US Embassy staff, and USAID's Office of U.S. Foreign Disaster Assistance (USAID/OFDA) staff met with representatives of international NGOs including Catholic Relief Services, Concern, CARE (expelled), Samaritan's Purse, Save the Children/US (expelled), and Tearfund to discuss the effects of the NGO expulsions and the implications of sending in new NGOs.

13. (SBU) NGO representatives unanimously expressed to Senator Kerry that an overhaul of the operating environment for humanitarian agencies in Darfur should occur before reconstituted or new NGOs could fill the humanitarian gaps left by the early March expulsions. NGOs noted the absence of an effective overall humanitarian framework (the Joint Communique could be effective but is not respected) and continued contraction of humanitarian space for NGOs operating in Sudan because of bureaucratic impediments and general insecurity, much of caused by rebels and bandits. They said a strengthened humanitarian framework in Sudan should reduce bureaucratic impediments, coordinate humanitarian policy across the state and federal levels, and improve coherence and consistency in the application of humanitarian rules and requirements. Even before the March 4 and 5 expulsions, NGOs were working in an incredibly restrictive environment due to insecurity, bureaucratic impediments, and endless paperwork, diverting focus and efforts away from implementation of humanitarian programs. They said that as a result

of continued impediments, NGOs cannot operate at full capacity and must spend a disproportionate amount of time navigating bureaucratic red tape rather than providing humanitarian assistance.

14. (SBU) In addition, the NGO representatives noted that the manner in which the expulsions occurred, with extra-legal demands for six-month severance payments, mistreatment of staff, and seizure of personal and program property, left NGOs wary of future humanitarian operations in Sudan. NGOs are reticent to expand and to introduce new staff to this environment unless issues regarding a humanitarian framework are addressed. NGOs voiced strongly that until the GOS supports a better humanitarian framework, humanitarian gaps resulting from the early March expulsions cannot be filled. NGO staff suggested that within the new US-GOS relationship, the opportunity may exist to build a framework and improve the overall humanitarian architecture in Sudan but this needs to be explored and tested further.

RECONSTITUTION OF EXPELLED NGOS

15. (SBU) Representatives from expelled NGOs expressed concern that even if previously expelled organizations were reconstituted and sent back in a new form, NGOs would be unable to pick up where they left off or to provide services at previous levels. One reason for this is that organization and registration of reconstituted and/or new NGOs will take some time, and non-expelled NGOs working in Sudan have already been moving to fill the humanitarian gaps created by the expulsions. So the reconstituted NGOs will not be implementing precisely the same programs even if they do return. The NGOs also noted that given that expelled NGOs do not agree with the GOS'

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explanation for their expulsion (allegedly for conducting political work in addition to their humanitarian work), NGOs fundamentally lack trust in the GOS and hesitate to return under the same conditions. Expelled NGOs are hesitant to return and re-staff without assurance that the government will behave lawfully. Senator Kerry agreed with NGO representatives that reconstituting only four NGOs might not wholly fill gaps left behind by the 13 international humanitarian organizations and 3 national NGOs that accounted for at least 45 percent of overall humanitarian operations in Darfur prior to the early March expulsions.

NEED FOR ACCOUNTABILITY

16. (SBU) CDA Fernandez affirmed that recent meetings between the GOS and the UN have confirmed the Sudanese government's stated commitment to live up to its commitment to SE Gration to improve the humanitarian operating environment in Sudan. CDA Fernandez also stated that the USG plans to closely monitor the Sudanese government's follow-through on the agreements. If significant improvement is not seen, then it will be obvious to the USG that the GOS is not abiding by the spirit or letter of the understanding negotiated with the SE, and that the government is not sincere about improving the humanitarian situation.

17. (SBU) NGO representatives in attendance expressed a desire that the GOS swiftly respond to the understanding set forth by the Special Envoy. NGO representatives also noted that an accountability chain will be necessary to identify and track elements of the agreement. NGOs are concerned that the government has previously entered into agreements without fully complying with all aspects of these agreements and that often progress gained in one sector will correspond with increased impediments elsewhere.

18. (SBU) NGO representatives noted that despite adoption of the 2007 Joint Communique, the GNU Humanitarian Aid Commission continues to manipulate the legal structure surrounding the agreement. NGOs observed that the High Level Committee (HLC) as currently constituted is ineffective, failing to fully embody the critical oversight and accountability role that it was designed to fill. NGO representatives noted the need for a higher-level body for other

regions in Sudan as well. CDA Fernandez reported that Special Envoy Gration reached an understanding with the GNU to develop Joint Communiqués for each of the Three Areas and that the UN should follow-up on these discussions. [Note: On April 14, D/SRSG Haq agreed that the UN plans to take the lead on negotiating Joint Communiqués for the Three Areas and recommended waiting to move forward until after the completion of the SPLM-NCP Three Areas joint assessment (Reftel). End note.]

HUMANITARIAN ACCESS AND SECURITY

¶9. (SBU) NGO representatives also reported a deteriorating security situation in Darfur, including kidnappings and compound break-ins, and noted to Senator Kerry that many areas remain inaccessible to humanitarian staff due to continuing insecurity or GOS impediments to access. NGOs placed responsibility for improved security and access with the government (but noted that rebel groups are responsible for security problems including many car-jackings), while also voicing a need for the African Union-U.N. Hybrid Operations (UNAMID) to secure areas so that NGOs can access affected populations. However, NGOs noted that UNAMID currently lacks capacity to play a significant role in security and protection, due to inadequate resources and an ill-defined mandate. In response to Senator Kerry's question whether the USG could help to improve the situation, NGOs indicated that the Special Envoy had made a good start by looking at the root causes of the problems in Darfur during his visit.

COMMENT

¶10. (SBU) During the meeting with Senator Kerry, NGO representatives noted that the humanitarian community needs to see "results rather than process" in GOS efforts to improve humanitarian operations in northern Sudan. Progress on the ground will not occur unless the Sudanese government follows through on its recent commitments. NGOs are reluctant to trust the Sudanese government due to the volatile period of rhetoric and actions against them after the ICC indictment of President Bashir; however, the NGOs acknowledged that the GOS tone has shifted in recent days following the SE Gration visit. Embassy Khartoum will continue to monitor the

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implementation of the understanding that SE Gration reached with the GOS April 10, and will report progress via septel. CDA Fernandez has scheduled a meeting with Presidential Advisor Ghazi Sallahedin for the afternoon of April 21 to review GOS follow-up actions to date (septel).

FERNANDEZ